

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
MANHATTAN DIVISION

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CHAPTER 13

IN RE:

CASE NO. 19-12847-CGM

Richard J. Padilla,

Debtor(s).

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ORDER TERMINATING AUTOMATIC STAY

Upon the unopposed motion of Sterling National Bank, seeking relief from automatic stay, and after a preliminary hearing held on March 3, 2022, attended by debtor's attorney, Michael Schwartz, Esq., and movant's attorney, Edward Wiener, Esq., it is

ORDERED, that the automatic stay instituted upon filing of the within bankruptcy case is hereby terminated pursuant to 11 U.S.C. §362(d)(1) **and §1301(c)** and as to movant's lien interest in the Property located at 414 Howe Avenue, Bronx, NY 10473, and movant shall account to this estate for any surplus proceeds realized after sale; and it is further

ORDERED that Sterling National Bank, and/or its successors and assigns can stop filing and serving Notices of Payment Change and/or Notices of Post-Petition Fees, Expenses and Charges as required by FRBP 3002.1(b) and FRBP 3002.1(c); and it is further

ORDERED, that in the event this matter shall be converted to any other Chapter under Title 11, that a new stay shall not be imposed against Sterling National Bank, and/or its successors and assigns merely by such a conversion; and it is further

ORDERED, that unless specifically provided in loan documents signed by the debtor, the Movant may not collect fees, expenses or other charges associated with a current or subsequent mortgage servicer.

ORDERED, that the case trustee shall be given notice of any surplus proceeds realized after sale.

**Dated: March 8, 2022
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris
U.S. Bankruptcy Judge**